IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 27TH NOVEMBER 2007 / 6TH AGRAHAYANA 1929

WP(C).No. 31805 of 2007(J)

PETITIONER:

MOHAMMED RIYAS, MANAGING DIRECTOR,
ATBA CRUMB RUBBER(P)LTD., KARUVARAKUNDU P.O.,
THUVUR, MALAPPURAM DISTRICT.

BY ADV. SRI.T.M.ABDUL LATHEEF

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY
THE SECRETARY, DEPARTMENT OF ELECTRICITY,
SECRETARIAT, THIRUVANANTHAPURAM.

2. KERALA STATE ELECTRICITY BOARD,
REPRESENTED BY ITS SECRETARY,
VAIDHYUTHI BHAVAN, THIRUVANANTHAPURAM.

3. DEPUTY CHIEF ENGINEER,
ELECTRICITY BOARD, MANJERI.

4. SPECIAL OFFICER, REVENUE,
ELECTRICITY BOARD, VAIDHUTHI BHAVAN,
THIRUVANANTHAPURAM.

5. ASSISTANT EXECUTIVE ENGINEER,
ELECTRICAL MAJOR SECTION, VANDOOR.

R2 TO 5 BY ADV. SRI.P.P.THAJUDEEN, SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 27/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C) No.31805 of 2007

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Dated this the 27th day of November, 2007.

JUDGMENT

Heard counsel for the petitioner and Standing Counsel for KSEB. The petitioner is in debts to South Indian Bank, to KSEB etc. This court vide Ext.P18 judgment permitted the petitioner to arrange for sale of the industry and settle liability due to the Bank. In between, the petitioner wants to settle liability due to KSEB under OTS scheme. Standing Counsel submitted that several litigations are pending between the petitioner and the KSEB. I do not think the petitioner can request for OTS benefit and simultaneously continue litigation against the Board. The W.P. is therefore disposed of directing the KSEB to consider in it's meeting granting of OTS benefit to the petitioner. I make it clear that OTS benefits granted should be realistic i.e. by taking into account the fact that petitioner was not running the industry and that petitioner has huge debts. The petitioner is bound to furnish undertaking that petitioner will withdraw all litigation against the Board and will not contest any settled bills. KSEB is directed to take a decision at the earliest and if possible, in the next meeting itself and communicate the result to the petitioner. The petitioner will

along with copy of judgment offer the timeframe within which he will make payment, based on which KSEB will call for report from the local office and decide settlement. The settlement should be a package to include terms for reconnection and withdrawal of all cases.

C.N.RAMACHANDRAN NAIR
Judge

pms